IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMONS FOR JUDGMENT NO.228 OF 2007

IN

SUMMARY SUIT NO.110 OF 2007

Narendra Prakashchand Bansal. ...Plaintiff.

Versus

Ashutosh Mukhopadhyay. ...Defendant.

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Mr. Nitin Trivedi for the Plaintiff.
Mr. A.M. Saraogi for the Defendant.

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CORAM : DR. D.Y. CHANDRACHUD, J.

June 19, 2007.

P.C.:

In the affidavit in reply, the Defendant has specifically denied that a sum of Rs.23,25,000/- was paid to him by the Plaintiff. In the affidavit in rejoinder, in para 10, the Plaintiff has stated that an amount of Rs. 21.75 lakhs was paid in cash. The amount has, the Court is informed by Counsel for the Plaintiff, not been disclosed in the books of account of the Plaintiff. The Defendant has further set up a defence in para 18 of the reply that the Advocate who addressed the alleged reply dated 15th December 2003 was in fact introduced by the Plaintiff. After taking into consideration the circumstances of the

case, I am of the view that triable issues do arise which would warrant the grant of leave to defend the suit. The Defendant is granted unconditional leave to defend the suit.

The Summons for Judgment is accordingly disposed of. A Written Statement to be filed within six weeks from today.

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